

ABRAHAM A. MASSIAS.

JANUARY 12, 1832.

Mr. WARD, from the Committee on Military Affairs, made the following

REPORT:

*The Committee on Military Affairs, to whom was referred the petition of Major Abraham A. Massias, report:*

That it appears from the petition, and documents referred to the committee, that, in 1812, Major Massias, who was, at that time, a Captain in the United States' army, was, by an order of Lieutenant Colonel Thomas A. Smith, placed in the command of the troops stationed at Amelia Island, after that island had been taken possession of by our Government; that whilst he was so in command, and *acting under the orders of his superior officers*, Thomas Backhouse, a British subject, claiming to be a Spanish one, having left the post of Fernandina, against the orders of the day, was taken a prisoner by Commodore Campbell, of the United States' Navy, and was confined at the island until the General's pleasure was known, when he was discharged, upon his giving security not to violate said orders again; it also appears that C. W. Clark had been confined on said island, by the predecessor of Major Massias, for disorderly conduct, and was confined in the guardhouse at the time the Major took the command at Fernandina, where he was kept until he gave security, in compliance with the order of the General, for his good conduct; it also appears, that Clark and Backhouse each commenced an action of assault and battery, and false imprisonment against Major Massias, in the county court, in the Eastern District of Florida; that, in the action brought by Backhouse, issues in fact and in law were joined; that the issue in fact was first tried by a jury, and a judgment of \$1,000 was rendered against Massias; and that afterwards a judgment was rendered in favor of Backhouse, on the issue of law. The Secretary of War directed Massias to take the cause up to the highest tribunal, and the United States' Attorneys, (were, at the same time, directed to attend to the suit in behalf of the Government, and other counsel was also employed by the Government, to assist in the trial of said cause.

The cause was accordingly carried, first, from the superior court, in the Eastern District in Florida, and from that court, by writ of error, to the Supreme Court of the United States, where it is now pending and undetermined.

That when the case was taken to the court of appeals of Florida, Massias executed an appeal bond with sureties, but as the writ of error was not taken out in ten day days, it could not operate as a supersedeas: whereupon,

Backhouse instituted a suit on the appeal bond, and recovered a judgment against the securities of Massias, amounting to \$1,262 09 damages and costs. The United States' Attorney in Florida, was instructed by the Solicitor General to take every step which the law authorized, for the protection of Massias, and his sureties, which instructions were faithfully attended to. But these efforts proved unavailing, for the execution was ordered against the securities of Massias, in St. Augustine, and the judgment was paid by a draft upon Massias.

The case is fully supported by the following documents:

1st. Lieutenant Colonel Smith's order to Major Massias, to take command of Amelia Island, and report himself to Governor Mitchell, a commissioner for the United States, with full powers to order and direct the concerns in Florida, both civil and military.

2d. *Governor Mitchell's* orders relating to the police and command of the island of Amelia.

3d. General Flournoy's orders and letters relating to the same, particularly, in the case of those confined on the island.

4th. Certified copies of Major Massias' orderly book.

5th. Major General Pinckney's orders, as proved by his Aid-de-camp.

6th. The affidavits of Archibald Clarke, now collector of St. Mary's; and

7th. The deposition of Js. Ferguson, Aid-de-camp to Major General Pinckney.

The petitioner states, that he has been made liable not only for the payments already made, but for the balances to be paid in the two suits of Backhouse and Clark, together with the incidental expenses, amounting to \$2,704 47.

This being a case in which an American officer, acting under the orders of his Government in a foreign country, having done an act necessary to the maintenance of his authority, for which he has been made individually and personally responsible for the sum stated, and the Government, in all similar cases, having provided indemnity, there are, in the opinion of the committee, the strongest reasons why it should be done in this case.

The committee cannot, therefore, refuse relief in this case, without disregarding numerous examples arising out of the late war; without danger of preventing others from risking personal responsibility, when required by the exigency of the times, and withholding justice from the petitioner.

The committee, therefore, report a bill for his relief.

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*The Secretary of State to D. B. Mitchell, Esq., Governor of Georgia.*

DEPARTMENT OF STATE, May 27, 1812.

SIR: I have had the honor to receive your letter of 2d instant, from St. Mary's, where you had arrived in discharge of the trust reposed in you by the President, in relation to East Florida. My letter by Mr. Isaacs, has, I presume, substantially answered the most important of the queries submitted in your letter, but I will give to each a more distinct answer. By the law, of which a copy was forwarded to you, it is made the duty of the President to prevent the occupation of East Florida by any foreign power. It follows that you are authorized to consider the entrance, or attempt to enter, especially under existing circumstances, of British troops of any description

as the case contemplated by the law, and to use the proper means to defeat it. An instruction will be immediately forwarded to the commander of the naval force of the United States, in the neighborhood of East Florida, to give you any assistance, in case, of emergency which you may think necessary and require. It is not expected, if you find it proper to withdraw the troops, that you should interfere to compel the patriots to surrender the country, or any part of it, to the Spanish authorities. The United States are responsible for their own conduct only, not for that of the inhabitants of East Florida; indeed, in consequence of the commitment of the United States to the inhabitants, you have been already instructed not to withdraw the troops, unless you find that it may be done consistently with their safety, and to report to the Government the result of your conferences with the Spanish authorities, with your opinion of their views, holding, in the mean time, the ground occupied. In the present state of our affairs with Great Britain, the course above pointed out is the more justifiable and proper.

I have the honor, &c.

JAMES MONROE.

*To all to whom these presents shall come, greeting:*

I certify that the annexed writings have been compared with the record in this office, and that they are true copies thereof.

In testimony whereof, I, Henry Clay, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed. Done at the city of Washington, this third day of October, A. D. 1827, and of the independence of the United States the fifty-second.

H. CLAY, [SEAL.]

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DEPARTMENT OF STATE, *October 13, 1827.*

His Excellency DAVID B. MITCHELL:

SIR: I have had the honor to receive your letter of the 19th ultimo, from Milledgeville, acknowledging the receipt of mine of the 6th of July, and communicating the state of our affairs with the Spanish authorities in East Florida at the time you left Savannah.

The President finds, with regret, that the Governor of East Florida has declined entering into any engagements with you, to secure from molestation or harm such of the inhabitants as had been encouraged by Governor Mathews, in a mistaken view of his powers, to engage in certain revolutionary measures there; and also that, at the time when a fair and just provision in their favor was under discussion, he had made an attack on the troops of the United States, under the command of Col. Smith, who had been necessarily advanced for the safety and protection of these people. It appears also, that, in the same spirit, the Governor of East Florida had excited the Indians to commit acts of hostility against the United States; and that there was serious cause to apprehend, that, under his influence, the incursions of the Indian tribes against us would be increased, and the aggressions be proportionally more extensive and injurious. The conduct of the Governor of East Florida has excited much surprise, more especially, when the liberal

and friendly conduct of this Government towards Spain is taken into consideration. As soon as it was known that *General Mathews had transcended his powers*, the President revoked them and committed them to you, with authority to restore the Territory to the Governor of the province, on the condition that satisfactory assurance should be given you that the people who had acted at his instance, on the faith of the United States, should not be punished or molested for it. It was hoped and presumed that this condition would have been promptly acceded to, or rather that a just policy would have anticipated it. It was impossible to foresee that the frank and liberal proposal of the United States to restore the Territory to the Spanish authorities, after disavowing the conduct of their own officer and displacing him, whereby the authority of Spain would have been met by acts of direct and open hostility.

The wrongs heretofore received from Spain, with which you are well acquainted, independent of other considerations of sufficient weight in themselves, would have justified the United States in taking possession of that province as an indemnity to our citizens. These wrongs have been borne in the expectation that the motive could not be mistaken, and that the period was not remote when the Spanish authorities, by whomsoever wielded, reciprocating a similar sentiment towards the country, would make ample reparation for them. To abandon the people who had relied on the faith of the country, however improperly pledged, to the resentments of the Spanish authorities, which evidently awaited them, while the Government of Spain made no recompense to the United States for losses, or atonements for insults, would have been equally unjust in itself, and inconsistent with the sympathies due to their situations. To do it after the outrages more recently received, which you have communicated, without a satisfactory arrangement, would be still more reprehensible. On a full view of your conduct, in this important and delicate transaction, I am happy to communicate to you the entire approbation and the thanks of the President. In accepting the trust, you gave a proof of patriotism, and the discharge of its duties has been distinguished by the abilities and judgment which the nature of the case required. That more precise instructions were not given you for the reinforcements of the troops under the command of Col. Smith, in case the Spanish authorities should refuse to give you the satisfactory assurance desired in favor of the people of East Florida, to whom the public faith had been pledged, proceeded from a hope and belief that contingencies would not happen, and a confidence, if it did, that your judgment, looking distinctly to the nature of your trust and its duties, would supply the omission.

The President is aware that your duties in the office of chief magistrate of Georgia, which will now become more active, will render it difficult, if not impossible, for you in future to execute those with which you have been charged in regard to East Florida. Willing to relieve you from the burthen, he proposes to transfer the powers lately committed to you to Major General Pinckney, with whose situation and functions they have a convenient relation. I have, therefore, to request, that you will have the goodness to communicate with him on that subject, and furnish him such information as may be useful to him.

I have the honor to be, &c. &c.

JAMES MONROE.

His Excellency DAVID B. MITCHELL, &c. &c. &c.



## CAMP BEFORE ST. AUGUSTINE, 6th July, 1812.

SIR: You will proceed with a non-commissioned officer and nine privates of your company to Amelia Island, and relieve Capt. Ridgeway in the command. He is to proceed to this place agreeably to the tenor of the order herewith, which you will deliver to him. You will be governed in all respects by such orders as his Excellency Governor Mitchell has given Capt. Ridgeway and Williams, and such others as he may give you. You will examine the seventeen boxes fixed ammunition stored in St. Mary's, and retain four, two of round and two of cannister, the others to be shipped to Thomas Bourke, Esq. U. S. agent, Savannah.

I am sir, with high respect,

Your obedient servant,

T. A. SMITH,

*Lieutenant Col. commanding.*

Capt. A. A. MASSIAS.

*Abraham A. Massias ads. Thomas Backhouse.*

The evidence of Joseph Woodruff, taken in behalf of the defendant, and to be read in evidence on the trial of this cause by consent of the parties:

Personally appeared before Elias B. Gould, a justice of the peace for the county of St. John, Joseph Woodruff, who being duly sworn, says, that he is well acquainted with the signature of Thomas A. Smith, late Lieut. Col. commanding the United States' troops in Florida; that the letter now shewn him, dated "Camp before St. Augustine, 6th July, 1812, and marked A. E. B. G.," is signed by the said Thomas A. Smith, in his own proper handwriting, to the best of his knowledge and belief; that he knows his handwriting, and have often seen him write; and further saith not.

JOSEPH WOODRUFF.

(Endorsed.) Sworn to before me, the 12th day of November, 1827.

ELIAS B. GOULD, *Jus Peace.*

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*Letters and orders from Gov. Mitchell, commissioner for the United States, relating to the affairs on Amelia Island.*

ST. MARYS', 12th July, 1812.

SIR: When you arrive at Amelia, you will furnish Capt. Williams with a boat for the transportation of a detachment of his marines to the camp before St. Augustine; the remainder will remain with you under the command of one of their own sergeants until the boat returns for them, or some other opportunity offers for their conveyance to the same destination. Capt. Ridgeway will go in the boat with Capt. Williams, and the recruits from Savannah, and the few men who were taken from Point Petre, will remain until another opportunity is afforded for their transportation to the camp before St. Augustine. You will maintain strict discipline and subordination, and admit of no outrage or violence amongst the inhabitants of the place; you will not permit any one who you are not satisfied is an American, to have or use fire arms or other offensive weapons; neither will you permit any negroes to remain there, who cannot satisfy you of their general good beha-

viour, and who have an owner in the place. All those pretending to claim their freedom, who cannot satisfy you of their being so in reality by the laws of the province, without any claim attaching to them by any citizen of the United States, you will secure and send to this place for safe keeping, in case you are deficient in the means of securing them in Amelia.

You will not permit any property, particularly British property, to be taken from the island; nor will you admit of any provisions to leave the island upon any pretence, unless for the actual use and supply of such persons as may have leave to depart.

Yours, very respectfully,

D. B. MITCHELL.

Capt. MASSIAS,

*Commanding United States' troops on Amelia.*

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*From D. B. Mitchell to A. A. Massias.*

MILLEDGEVILLE, 14th September, 1812.

SIR: I assure you my long silence has not proceeded from any wilful neglect or contempt of your correspondence, or of the subject matter of it, but from along confinement by a violent attack of bilious fever, and at this moment it is with difficulty I can write.

I am surprised at the importunities of Mr. McIntosh, on the subject of duties collected at Fernandina. He has had repeated conversations with me upon the subject, and I have uniformly told him I could not, and would not assume any authority over them. When Mr. Lewis, of St. Mary's, acted as collector there under the authority of General Mathews, all his collections and payments were at his own risk after my arrival, and of this I informed him and Mr. McIntosh both. That the people might not be wholly without law, I consented that you should enforce the customs and modes of proceeding used by the Spanish authority in the place before the transfer to the United States, but I can give no order for the payment of the money in your hands—it must await the fate of the province.

Should any future attempt be made to raise contributions by any authority whatever, you use all your force, to repel it; and, if possible, get hold and place in confinement the author of such an outrage on the American flag. Your idea in regard to the transfer, is a very correct one. As long as the American flag is flying there, there is no other power can be acknowledged. I regret the sickness of your detachment, and its reduction in number fit for duty. I hope you will not be long in that situation.

I am, sir, very respectfully,

And with much esteem, your very obedient servant,

D. B. MITCHELL.

Capt. MASSIAS,

*Commanding for United States on Amelia Island.*

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*Letters from Governor D. B. Mitchell, and a letter acknowledging the orders given by him in Florida.*

MOUNT NEBO, 1st July, 1828.

DEAR SIR: Your letter of the 21st June, is now before me, and I, with pleasure, comply with your request.

Whilst I was acting as commissioner of the United States, in 1812, at the time the troubles prevailed in East Florida, and the United States' troops were, for certain purposes, placed under my command, it never was my intention, under the state of things then existing, to permit the exercise of any civil authority by any military officer, and you no doubt recollect my refusing to have any thing to do with the regulations prescribed by General Mathews, in regard to the collection of duties, &c. &c.; but after the declaration of war, and it was ascertained by the inhabitants that the troops were not likely to be soon removed, they petitioned me to have the laws and regulations enforced by the former Spanish commandant, continued and enforced by the United States' officer, then in command of the post of Fernandina. This I consented to for their convenience and protection, and you being at that time officer in command, received orders accordingly. As to the power which I had to issue such an order, there can be no doubt. My authority will be found on the records of the Secretary of State's office, and every living soul in Fernandina being under the immediate influence and protection of the arms of the garrison, the safety of the post, as well as the safety of the people, would have justified such an order, if I had chosen to issue it, without the call of the inhabitants.

The suit which you speak of can only be considered as vexatious, for if properly defended, no recovery can be had. If you or your counsel think proper to take out a commission and examine me as a witness, I will look over my papers with reference to that transaction, and state all I know on the subject. There can be no doubt of your ample justification, provided your conduct was not distinguished by some extraordinary acts of cruelty or oppression, which I presume was not the case.

I am, sir,

Very respectfully,

Your obedient humble servant,

D. B. MITCHELL.

Capt. A. A. MASSIAS,  
Paymaster, &c. &c.

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*Letters and orders from Brigadier General Flournoy, United States' Army, relating the command on Amelia.*

ST. MARY'S, 14th December, 1812.

SIR: You were requested to furnish a statement embracing the power and authority vested in you, as the immediate commandant of the post at Amelia, from what sources, and from whom derived, and whether contained in written or verbal orders.

You will also render a statement of all moneys collected by virtue of the powers you possess. A full statement of all the circumstances attendant, or connected with the detention of certain negroes claimed by John Forbes & Co. will be expected.

I am well apprised that the smallness of your force on Amelia will not enable you to guard effectually against insurrection in that island, on the part of those attached to the British interest. You will, however, be steady in your discipline, and circumspect in your manner and intercourse with the

inhabitants; and, should an attempt be made, or contemplated to be made, to drive you from your post, and to re-take the island, you are charged to give me the earliest information thereof; in which event, I will march a regiment to the island, and put to the point of the bayonet every man, however connected in the transaction.

I have the honor to be,

With respect,

THO. FLOURNOY,  
Brig. Gen. U. S. Army.

Capt. MASSIAS.

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*Letter from Gen. Flournoy.*

FERNANDINA, 20th Dec. 1812.

Joseph Jackson having represented that he has business of a private nature to transact at Augustine, to which place he begs leave to go without molestation; it is ordered that he be permitted to depart accordingly.

Michael Marbrete, and others, in confinement for violating an order passed on the 19th November last for the government of this post, will be discharged, upon his giving to the commandant, (Capt. Massias,) satisfactory assurances that he will not again attempt a violation of any rule or order that may be imposed, but that he will conform himself to the regulations, and encourage others to do so.

All persons free from suspicion of entertaining evil intentions towards the Government of the United States, will be permitted to visit St. Augustine, or other place in this province, leave being obtained from the commandant.

THO. FLOURNOY,  
Brig. Gen. U. S. Army.

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*Extract from orderly book, Amelia Island, East Florida.*

DETACHMENT ORDERS.

FERNANDINA, AMELIA ISLAND,  
12th July, 1812.

Pursuant to the order of Lieutenant Colonel Thomas A. Smith, of the 1st rifle regiment, commanding the troops of the United States in East Florida, and of this district:

Captain Massias, of the rifle regiment, takes command of the detachment stationed at this and the following stations: Point Petre, Georgia, and Camp Pinckney, until further orders; the detail for guard and police, will remain as heretofore. Captain Williams, United States' Marine Corps, and Captain Ridgeway, of the United States' Rifle Regiment, will deliver to the commanding officer all papers and orders touching the late command, and will hold themselves in readiness to proceed with the detachment ordered to head quarters.

A. A. MASSIAS,  
Capt. 1st rifle regiment, civil and military commandant.



## DETACHMENT ORDERS.

FERNANDINA, AMELIA ISLAND, E. F.

July 14th, 1812.

Until further orders, the guard will consist of one subaltern, one sergeant, two corporals, and sixteen men, (*or privates*,) with two supernumeraries to be detailed from the whole strength of the detachment, with one non-commissioned officer, and a suitable number of the black prisoners for police duty, the whole to be under the charge of the officer of the day. The two field pieces, with a suitable supply of *ammunition*, will always be in readiness for action at a moment's warning: every evening, at sun set, they will be stationed near the picket, under charge of *two sentinels*; all sentinels will be posted by the officer of the day, who has charge of the general police of the garrison and town; a non-commissioned officer and two privates will patrol the town, and visit the sentinels every half hour by day, and every fifteen minutes by night; the officer of the day will go the grand rounds by day and night, twice at least. Corporal Payton Payne, of the 1st rifle regiment, will act as quartermaster sergeant until further orders. The commanding officer expects vigilance from every one attached to his command—the nature of the service requires it. Every commissioned and non-commissioned officer, musician and private, are hereby ordered to be under arms in front of the parade and guard station, at the third tap of the drum preceding the *revellée*, which will take place at day-break; they will continue under arms until a man can be perceived at the distance of three hundred yards; they will also be under arms at *tattoo* every evening. No commissioned officer will be suffered to leave the post without first having permission from the commanding officer, and only one from each company or detachment can be absent at one time from his company; only one non-commissioned officer and two privates, will be permitted to be absent at any one time, and that for one hour only, leave for this indulgence first having been obtained from the officer who shall command their company or detachment. No non-commissioned officer, musician or private, will be allowed to purchase liquor of any kind from the inhabitants, or from any one, without special commission from the commanding officer. Sergeant Austin, of the marine corps, will proceed with the remainder of Captain Williams's detachment to camp near St. Augustine, and report himself to the commanding officer. Four days' provision, and twenty-four rounds ball cartridge, will be issued to each of this command: they will embark at the Battery Landing on board of boats procured for their transportation.

Signed by order of

A. A. MASSIAS,

Capt. U. S. rifle regiment, commanding.

FERNANDINA, AMELIA ISLAND,

July 26th, 1812.

## PUBLIC NOTICE.

Pursuant to the order of Colonel Thomas A. Smith, of the United States' 1st rifle regiment commanding in East Florida, and of his Excellency David B. Mitchell, Governor of the State of Georgia, and commissioner of the

United States relating to affairs in East Florida, Captain Massias, of the United States' 1st rifle regiment, having been vested with full power, takes command of the garrison and town of Fernandina and its dependencies, until further orders. "With a view to maintain peace and good order among the inhabitants, and that they may not be wholly without law to govern them," the laws and regulations which were in force on the island of Amelia, and the town of Fernandina, when under Spanish authority, are again in force. All those concerned will govern themselves accordingly.

By order of

A. A. MASSIAS,

*Capt. U. S. rifle regiment, military and civil commandant.*

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FERNANDINA, AMELIA ISLAND,

*July 31st, 1813.*

### PUBLIC NOTICE.

Retailers of liquor will close their shops or taverns at 9 o'clock, (or tattoo;) when the drum will beat through the town, they will keep the same closed, and cease to sell liquor until sun rise next morning. They are, at all times, strictly enjoined, upon pain of being disqualified from the privilege of vending liquor, from selling any liquor to an enlisted soldier. Sailors will not be permitted to be on shore after nine o'clock at night, (or drum beat,) those belonging to the service of the United States, under the charge of an officer excepted.

Slaves and people of color will not be allowed to be out of their dwellings after nine o'clock at night, (drum beat.) The patrol which will go the rounds every quarter of an hour, will take up every one who shall not be furnished with a written pass, signed by the master, owner, guardian, or employer, (not a person of color.) The officer of the day will attend to the foregoing orders, and see them carried strictly into effect. All those confined at the guard for the violation thereof, will be duly reported daily, at orderly hour, to the commandant, so that all cases may receive due examination, and be acted upon without delay.

No vessel, whatever, inward or outward bound, United States' vessels hoisting the number of *the day*, as ordered by the commander, at the mast head excepted, will be suffered to pass the batteries without coming to an anchor under the guns of the same; in order that the officer of the guard, whose duty it is to repair on board, make his examinations, and report the same to the commandant.

No boat whatever will leave the harbor without first reporting to the officer of the guard. All row boats belonging to fishermen and inhabitants, will, in future, when not in use, be anchored or staked in front of the Battery Landing, under the charge of the guard, until required for use by the proper owner. No boat will be allowed to depart unless in urgent cases, leave first being obtained from the commander, after sun set, and until sun rise, or gunfire next morning. The commandant is compelled to adopt this measure to prevent smuggling, practiced heretofore to a shameful degree.

Any inhabitant deserving a passport, and *qualified to receive one*, will apply to the commandant, who will grant the same, subject to the same rules heretofore granted by the commandant under Spanish authority, with this difference, *no fee will be exacted.*

The inhabitants are strictly enjoined to keep and maintain peace and good order. Every one who shall be found violating the same, will be dealt with accordingly. All well disposed of the inhabitants, are called upon to assist the authority in the fulfilment of the foregoing orders.

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FERNANDINA, AMELIA ISLAND,  
February 1st, 1813.

### PUBLIC NOTICE.

Store and shopkeepers of all descriptions are hereby notified, that, in future, a tax of three dollars per quarter, payable one quarter in advance, for retailing license heretofore granted by the Spanish authority, will be again exacted, to take date from the 1st instant. All sums arising therefrom, to be applied for the maintenance of the poor, and will be paid over to Philip Young, Esq. chairman of the committee for the distribution thereof. Storekeepers will immediately apply to Mr. Samuel Bitts for their licenses, to whom they will pay three dollars as aforesaid, and twenty-five cents for his fee as notary. He will be answerable to the committee for the relief of the poor for all moneys received.

A. A. MASSIAS,  
*Capt. 1st rifle regiment, civil and military commandant.*

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FERNANDINA, AMELIA ISLAND, E. F.  
February 10th, 1813.

### PUBLIC NOTICE.

To prevent the future recurrence of disputes relating to the right of ground or town lots within the limits of Amelia Island, all those claiming under grant of the King of Spain, will present their claims to George Clark, Esq. Surveyor General for East Florida, who, under Spanish authority, possessed that office, and in possession of the Spanish records relating to claims. He is duly authorized to place each claimant in his or their proper grounds. All those who shall be found occupying ground not his own, will remove to the lot which shall be assigned to him by the Surveyor General. He will be respected accordingly.

A. A. MASSIAS,  
*Capt. 1st rifle regiment, civil and military commandant.*

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FERNANDINA, AMELIA ISLAND, E. F.  
February 16th, 1813.

### PUBLIC NOTICE.

Every proprietor of a town lot, is hereby directed to regulate the same as laid out by the Surveyor General, and remove all stumps and other obstructions in front of their respective lots, without delay. All those who shall be inclined to ornament the town, by planting trees in front of their houses, are directed to plant them at the distance of eight feet from the front line of their lots; it is also required, that the streets and enclosures be kept clean, and that the filth collected be immediately carried to the river, subject to the

inspection of the officer of the day. This caution is indispensably necessary to secure the health of the town.

All owners of mules, horses and hogs, are henceforward forbid allowing their stock to range at liberty within the limits of the town. The commons is found sufficient, and is appropriated for that purpose.

A. A. MASSIAS,

*Capt. 1st rifle regiment, civil and military commandant.*

I certify that the within is a true copy of all the orders issued by me while in command at Fernandina, during the years 1812 and 1813.

A. A. MASSIAS,

*Paymaster United States' Army.*

CHARLESTON, 21st December, 1831.

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*Deposition of James Ferguson, Esq. relating to the command on Amelia Island.*

UNITED STATES OF AMERICA, *South Carolina District:*

Personally appeared before me, Thomas Lee, District Judge for South Carolina:

James Ferguson, who being duly sworn, makes oath and says: that he was a Lieutenant in the 8th infantry United States' army, and aid-de-camp to General Thomas Pinckney during the last war; that he accompanied General Pinckney to the town of St. Mary's, in the State of Georgia, in May, 1813; that, at the time of his arrival, Major, then Captain Massias, was in command of the forces of the United States' army at that time, occupying Amelia Island, Spanish territory; that General Pinckney visited the town of Fernandina, where those forces were in garrison, and appeared to be satisfied with the conduct of Captain Massias, in his command; that this deponent believes that part of East Florida had been occupied by General McIntosh, under the authority of the then Governor of Georgia, honorable David Mitchell; and he knows that General Pinckney did not withdraw the troops until he received a commission from the office of the Secretary of the Department of State, to treat with the Spanish authorities for the evacuation of East Florida; that this deponent knows that Captain Massias acted under the orders of General Pinckney, from the time he, deponent, reached St. Mary's, until he was ordered to deliver up that part of the territory occupied by him, to Governor Kindelan, and to return to the command of his company of riflemen stationed at Point Petre. This deponent recollects that Captain Massias had charge of prisoners at Fernandina, but does not recollect to have heard the least intimation of any cruelty, or even harsh treatment having been used towards them, neither does he believe that there had been any; that he had frequent intercourse with the suite of Governor Kindelan, and with Europeans who belonged to the Spanish party, who most probably would have mentioned such conduct, had Captain Massias been guilty of it. This deponent remained with General Pinckney in the encampment at Point Petre, three miles below St. Mary's, until the last day of July, 1813, and from what he saw and recollects, believes that General Pinckney was satisfied with the conduct of Captain Massias both in Fernandina and at Point Petre; that General Pinckney, not having the services of an Adjutant



General until the arrival of Col. J. K. Huger, which was after Captain Massias had evacuated Amelia Island, issued his orders through his aids-de-camp, and this deponent thinks that orders may now be found in General Pinckney's orderly and letter books relating to Captain Massias' command on Amelia Island.

JAMES FERGUSON.

Sworn to before me, this 7th Nov. 1831.

THO. LEE,

*Dist. Judge South Carolina.*

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*Deposition of Archibald Clark, Esq. collector at St. Mary's, Georgia, on the subject of command on Amelia Island.*

ST. MARY'S, 1st November, 1831.

DEAR SIR: I have to acknowledge the receipt of your letter of the 18th ultimo, with enclosures, and now, in compliance with your request, and from a sense of public duty, proceed to answer the several questions you have propounded to me, and which will be answered to the best of my recollection, knowledge and belief.

To your first question—whether I did not receive a verdict in favor of a client I represented, when you commanded under the (orders,) meaning the orders issued by Thomas A. Smith, (your commanding officer,) and subsequently under those received from General Mitchell, Governor of Georgia, then acting as commissioner for the United States? I answer, yes; and that I knew, at the time, you had been clothed with authority to exercise the powers of a Spanish commandant, which was understood to be both *civil* and *military*.

To the second—I answer that the period referred to was in 1812 and 1813. I was made acquainted that Thomas Backhouse, an Englishman by birth, and then a resident of Amelia Island, had been arrested by one of the vessels of the United States, under Commodore Campbell, commanding the flotilla on the St. Mary's station, for a violation or supposed violation of the revenue laws, and was confined, but *how*, or in what manner he got himself enlarged, I never understood until the extract of General Flournoy's letter, which you enclosed, was read by me. These orders will speak for themselves.

To the 3d—what was the general character of Backhouse as far as came to my knowledge? I answer, he was always considered hostile to the United States up to that period, and to its interests.

To the 4th—what was the treatment to him and all others arrested during your command as officer of the post? I answer, and with truth declare, (and I do it with pleasure, because of my frequent visits to Amelia Island during the period of your command, and of the opportunities afforded me to know and estimate your conduct and management,) that it was marked throughout, (with a rigid regard,) to render the situation of the prisoners as comfortable as the then state of affairs and circumstances justified, and with all the humanity that became an honorable and patriot soldier.

To the 5th—what was your general conduct, taking all the circumstances into view? Is answered in my answer to your 4th question, but did it require more than I have already expressed, I would say that your conduct was such *as gave me*, as a citizen of the United States, the most perfect satisfaction.

To your 6th—do I know any thing of the confinement of Willis Clark? I answer, I know nothing of my own knowledge. He was imprisoned, as I was then informed and believed, but whether by your authority after you took command, I cannot at present recollect.

To the 7th—what was the general character of Willis Clark, as to sobriety and orderly conduct? I answer, that, having, at that period, no personal acquaintance with the individual named, I can only speak as *to general report*. If rumor was then true, and judging from my own personal observation, I would say that the conduct of Mr. Clark for sobriety, was altogether the reverse of what it ought to have been.

In conclusion, it becomes me to make known, that, at the period referred to, I resided in St. Mary's, and from the contiguity of Amelia Island, and my acquaintance with United States' officers at that post, I made frequent visits, as well friendly towards the officers as on business—hence the knowledge I have, and which has enabled me to answer the questions propounded by you, in the mode and manner I have done.

With sentiments of respect,

I remain, dear sir, your ob't serv't,

ARCH'D CLARK.

Maj. A. A. MASSIAS, *Paymaster, &c.*

Archibald Clark, being duly sworn, deposeth and saith, that the answers made by him to the several and foregoing questions, is, and are just and true to the best of his knowledge, recollection and belief.

ARCH'D CLARK.

Sworn to before me, this 5th day of Nov. 1831.

J. NEWTON,

*Chappelle M. council of the town of St. Mary's, Georgia.*

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*Receipt of John Rodman for \$1,262 09—paid.*

SUPERIOR COURT FOR THE EASTERN DISTRICT OF FLORIDA:

Thomas Backhouse,

*vs.*

Waters Smith and Richard Weightman. }

Received, St. Augustine, 1st September, 1831, from Thomas Douglass, Esq. Attorney of the United States for this District, his draft on Major Abraham A. Massias in my favor, for twelve hundred and sixty two dollars and nine cents, payable at ten days sight; which draft, when accepted by Major Massias, shall be in full payment for the amount of the judgment in this cause, together with interest thereon, and all costs; and on receiving notice of the acceptance of said draft, I hereby agree to enter satisfaction on the said judgment, and also on the judgment in this court, in the suit of the said plaintiff against the said Major A. A. Massias.

JOHN RODMAN,

*Attorney for the plaintiff.*

*Abraham A. Massias*

DR.

*To the Clerk of the Court of Appeals for the Territory of Florida.*

January, 1830, for issuing writ of error against Backhouse, 100;	
return, 25; issuing scire facias to hear errors, 100;	
return, 25; issuing alias scire facias and return, 1 25; issuing certiorari on suggestion, diminution and return, 1 25; docketing, 25;	
entering attorney, 25; entering four orders, 100; entering judgment, 25; filing two papers and certificates, 25; filing assessment errors, 25; entering appeal, 25; taking and filing appeal bond, 50,	
	\$8 37½
For copy complete record, (for attorney), and certificate,	10 77
For copy complete record and certificate to same, (to transmit to the Supreme Court of the United States,)	10 77
For certificate of appeal (for attorney,)	33½
	<hr/> \$30 24½
For issuing writs of error against Clark, 100; return, 25; issuing scire facias to hear errors, 100; return 25; docketing 12½; entering attorney 25; entering two orders 50; entering judgment 25; filing two papers and certificates 75; copy consent, rule and certificate to same, (for attorney) 66½	
	5 03½
	<hr/> \$35 28

JAMES S. LINN, *Clk.**Letters and orders from the War Department.*

DEPARTMENT OF WAR,

*November 19th, 1824.*

SIR: I have received your letter of the 12th instant, with its enclosures; and in reply to your request, that instructions be given to the United States' District Attorney for East Florida, to defend the suits commenced against you by Bacus W. Clark and John Caslin, for acts on your part, as you represent, while in the exercise of your functions as commandant at Fernandina, in East Florida, during the late war with Great Britain; I have to state, that instructions will accordingly be given to Mr. Macon, United States' Attorney for East Florida, and, in the event of the suits being decided against you in the court below, he will be directed to report the trial to this department, and be prepared to carry them up by appeal to the next superior court, should it be deemed proper.

You will be allowed transportation of baggage from Charleston to St. Augustine and back, which you have incurred while attending to the defence of these suits; and whenever it shall become necessary for you to repair to

that place for that purpose. The allowance of transportation of baggage from Charleston to this place cannot be made, as you ought to have applied to this department for leave to repair here, when it would have been decided whether your personal attendance here was necessary. The costs which you have already incurred on these suits, will be allowed you, should your conduct, on the termination of them, appear, as I am now impressed, to have been correct.

I have the honor to be,  
Your obedient servant,

J. C. CALHOUN.

Major A. A. MASSIAS.

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*From the Hon. James Barbour, Secretary of War.*

DEPARTMENT OF WAR,

*April 20th, 1826.*

SIR: Colonel Joseph M. White is employed to aid in the defence of the suits commenced against you in the courts of Florida, and you will possess him with all the particulars in these cases necessary to enable him to make the best defence possible. If Col. White do not return to Florida in time to be present at the first court, you will take the proper steps to have the hearing of the cases postponed to the next session of the court, or until he can attend.

I have the honor to be,  
Your obedient servant,

JAMES BARBOUR.

Major A. A. MASSIAS, *Charleston, S. C.*

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*Honorable P. B. Porter, Secretary of War, to Thomas Ringgold, United States' Attorney at Tallahassee, East Florida, on the subject of suits pending against A. A. Massias.*

DEPARTMENT OF WAR.

SIR: I understand that you are already apprised of the fact of certain suits having been prosecuted against Major A. A. Massias, of the army, for acts of his whilst in command at Amelia Island, in the year 1812.

The enclosed copies of communications to Mr. Douglass and J. Gadsden, Esqs. of Charleston, will make you more fully acquainted with the views of the department, and of the obligations which it has assumed of defending the suits.

In accordance with those views, I have to request that you will defend these cases, and carry them by appeal, if necessary, to the highest tribunal.

The copy of a letter from J. Gadsden, Esq. to Major Massias, which is also enclosed, seems to place the subject on the proper footing; and I have only to add, that the Major, having been harrassed for several years, by the various proceedings growing out of these cases, it is confidently hoped that they may be soon brought to a favorable termination.

I have the honor to be,  
Your obedient servant,

P. B. PORTER.

THOS. RINGGOLD, Esq.

*United States' Attorney, Tallahassee.*



*Letters from the Secretaries of War, with instructions to defend the suits in Florida.*

DEPARTMENT OF WAR,

November 27th, 1827.

SIR: I have received your communication of the 16th instant, covering the copy of a letter from the District Attorney of Florida, on the subject of the decision of a suit of Charles W. Clark against you for damages, growing out of acts on your part, as you represent, while in the exercise of your functions as commander at Fernandina, in East Florida, during the late war with Great Britain.

A decision being had against you in the lower court, you will take proper measures to have an appeal made to the next highest tribunal.

I have the honor to be,

Your obedient servant,

JAMES BARBOUR.

To Major A. A. MASSIAS,  
Charleston, South Carolina.

DEPARTMENT OF WAR,

April 21st, 1828.

SIR: Being advised by Major A. A. Massias, that the suits of Backhouse and Clark against him, which arose out of the performance of duties assigned to him at Amelia Island, in the year 1812, have been removed from the court of East Florida to that of your district, I request that you will take charge of the same, making use of the evidence which he may lay before you, and which he deems to be amply sufficient for his protection.

I have the honor to be,

Your obedient servant,

JAMES BARBOUR R.

For JOHN GADSDEN, Esq.

United States' District Attorney, Charleston, S. C.

DEPARTMENT OF WAR,

November 10th, 1831.

SIR: In answer to your letters of September 22d and 26th, 1831, I have the honor to state, that, in similar cases to that of Major Massias, applicants for relief have latterly been referred, by this department, to Congress, where necessary laws for such relief have been passed.

This practice, I do not think it would be proper for me to interfere with; and, I therefore, return you the papers which you forwarded to me.

Very respectfully, I am, sir,

Your most obedient servant,

LEW. CASS

VIRGIL MAXCY, Esq.

Solicitor of the Treasury.

*Letters from Virgil Maxcy, Esq. United States' Solicitor.*

OFFICE OF THE SOLICITOR OF THE TREASURY,

12th September, 1830.

SIR: Your letter from Philadelphia, with the enclosures, have just been received.

Instructions have heretofore been given to the District Attorney at Tallahassee, to take the case of Backhouse *vs.* A. A. Massias, up to the Supreme Court of the United States; and also to forward to Mr. Douglass the necessary document, to show that it had been done to prevent further progress in the suits against the securities; and I have to day written to Mr. Douglass, to inform him that these instructions have been sent on.

I have the honor to be, sir,

Your most obedient servant,

V. MAXCY,

*Solicitor of the Treasury.*

To Major A. A. MASSIAS,

*United States' Army, Philadelphia.*

P. S. The papers received with your communication are herewith returned, as requested.

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SARATOGA SPRINGS,

*August 2d, 1831.*

SIR: Your letter of the 18th ultimo, has, with its enclosures, been forwarded to me at this place, and I have instructed the United States' Attorney at St. Augustine, to take such steps as may be necessary for the protection of your sureties.

I am, very respectfully, sir,

Your most obedient servant,

V. MAXCY.

*Solicitor of the Treasury.*

To Major A. A. MASSIAS,

*Charleston.*